

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 25, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-24516 - APPLICANT/OWNER: MONTICELLO PROVIDENCE, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Tentative Map (TMP-7966) and Cliff's Edge Master Development Plan and Design Guidelines, except as amended herein.
2. This approval permits a deviation from Cliff's Edge Master Development Plan and Design Guidelines – Section 3.2.4 for setback requirements to allow a five-foot setback to the living area where eight feet would otherwise be required.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Variance to allow a deviation from Cliff's Edge Master Development Plan and Design Guidelines – Section 3.2.4 standards to allow a reduced living area setback on 0.06 acres at 6736 Valcour Street. Specifically, this application requests a deviation from Cliff's Edge Master Development Plan and Design Guidelines – Section 3.2.4 to allow a setback of five feet from the back of sidewalk (back of curb where there is no sidewalk) to the living area where eight feet is the minimum setback required.

The applicant indicates that this is the model (Plan 1) that will be able to meet the design guidelines of the master plan most closely. Due to the self-imposed hardship inevitably created by the size of the proposed product on the site, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/25/05	The Planning Commission approved a Tentative Map (TMP-7966) for a 190-lot single-family residential subdivision on 17.70 acres between Puli Road and Shaumber Road, approximately 670 feet north of Rome Boulevard. Staff recommended approval.
11/16/05	The City Council approved a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan And Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres including the subject site. The Planning Commission and staff recommended approval.
01/18/06	Staff administratively approved a Final Map Technical Review (FMP-10617) for the Monticello at Cliff's Edge – Unit 2 Single-family Residential Subdivision on 16.96 acres adjacent to the west side of Shaumber Road, north of Rome Boulevard. This map was recorded on 07/31/06.
03/13/06	The Planning and Development Department administratively approved a request for a Minor Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-10809) to revise and clarify Section 6 (Entry and Wall Guidelines) of the Cliff's Edge Master Development Plan and Guidelines.
02/15/06	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-10531) to change land use designations from: M (Medium Residential) to: RSL (Residential Small Lot); to modify Section 2.2 and the accompanying exhibit

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	of the Master Development Plan; and to modify Section 2.1, Exhibit 2-4 of the Design Guidelines to reflect changes to the land use categories on two separate parcels (Pod 113 - located on 17.1 acres adjacent to the southwest corner of Farm Road and Hualapai Way and a portion of Pod 308 - located on 9.12 acres adjacent to the northeast corner of West Centennial Parkway and North Shaumber Road). Planning Commission and staff recommended approval.
04/04/07	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-19114) to clarify certain setback, landscape, design, wall, architectural projection separation and balcony separation standards; to allow three-story single family dwellings with a maximum height of 38 feet and to add a sign standard section. Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no relevant building permits or business licenses associated with this site or this request.	
<i>Pre-Application Meeting</i>	
03/02/07	A pre-application meeting was held to discuss the specific issues regarding the front yard setbacks for the small lot development at a density of eight units per acre, as well as the Tentative Map requirements in the Cliff's Edge Master Plan.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this request, nor was one held.	

<i>Field Check</i>	
09/24/07	The Department of Planning and Development conducted a site visit that found that this site is undeveloped. There is infrastructure work completed for the subdivision streets and some models built on adjacent lots to the east.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.06

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot Cliff's Edge Special Land Use Designation)]

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North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot Cliff's Edge Special Land Use Designation)]
South	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot Cliff's Edge Special Land Use Designation)]
East	Single Family, Detached	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot Cliff's Edge Special Land Use Designation)]
West	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot Cliff's Edge Special Land Use Designation)]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Cliff's Edge Master Plan	X		N *
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

- * The proposed single-family, detached product does not meet the minimum living area setback pursuant to Section 3.2.4 of the Cliff's Edge Master Development Plan and Design Guidelines for this parcel. If approved, this application will grant relief from the city standard.

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DEVELOPMENT STANDARDS

Pursuant to Cliff's Edge Master Development Plan and Design Guidelines, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Living Area (Front)	8 Feet	5 Feet	N *
• Porch (Front)	5 Feet	n/a	n/a
• Interior Property Line - Side	3 Feet	3.25 Feet	Y
• Interior Property Line – Rear	7 Feet for at least 50%	7 Feet (≈51%)	Y
	3 Feet for remainder	3 Feet (min.)	Y
• (Developer) Parcel Property Line	10 Feet	n/a	n/a

* If approved, the variance would allow a five-foot setback to the living area where eight feet is required, thus granting relief from the city standard.

ANALYSIS

The subject property is within the Cliff's Edge Master Plan area, which is located on the Centennial Hills Sector Plan Map of the General Plan. A General Plan designation of PCD (Planned Community Development) and an area in excess of 80 acres in size required that a master plan be prepared for the area and is encompassed by the Cliff's Edge Master Development Plan and Design Guidelines, which was approved by City Council on 03/19/03. The PCD (Planned Community Development) category allows for a mix of residential uses including L (Low), ML (Medium Low) and M (Medium) densities, maintaining an average overall density of 2-8 dwelling units/gross acre and includes a Village Center (VC), Neighborhood Center (NC), some business parks, public facilities, and office development. The zoning of PD (Planned Development) with the various special land use designations as outlined on the Land Use Map complies with this General Plan designation. All projects located within the Cliff's Edge Master Plan area are subject to the Cliff's Edge Master Development Plan and Design Guidelines.

Pursuant to Title 19.06.050, the development standards within a PD (Planned Development) zoning district are established by the Master Development Plan. The development standards for the Cliff's Edge area are established through the approved Cliff's Edge Master Development Plan, and with the approval of proposed modifications to the area's land use categories. This proposal requires a variance from the setbacks established pursuant to the Cliff's Edge Master Development Plan and Design Guidelines due to the product type proposed for this site having too big of a footprint to be sited without some form of deviation. The Cliff's Edge Design Review Committee has granted an exemption to reduce the setback to the livable space for this lot per a letter issued 02/27/07, provided that Plan 1 is plotted. While "Plan 1" is the product model indicated in the submission request, staff is not in support of this deviation, as this is a self-imposed hardship and therefore does not meet the criteria for granting a Variance.

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FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by attempting to site a product model that is too large for the lot to meet the required setback. Alternatively, constructing homes of an appropriate size and scope would allow conformance to the standards of the Cliff’s Edge Master Development Plan and Design Guidelines and the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 46

APPROVALS 0

PROTESTS 0